

Frequently Asked Questions

There are two types of low incidence funding, one for books, materials and equipment and one for specialized services. May the Special Education Local Plan Area (SELPA) combine the funds as long as they are spent on low incidence students?

No. There are two distinct low incidence funding sources, one for books, materials and equipment which is state money allocated under Education Code § 56836.22 the other for specialized services that is Federal money which is passed through to the Local Education Agency (LEA) annually as part of the state budget act. These funds must be spent for the specific, established purpose only and may not be commingled.

Is the SELPA permitted to carry over Low Incidence Fund from one fiscal year to the next?

The state low incidence funds allocated for books, materials and equipment under E.C. § 56836.22 may be carried over. The Federal funds for specialized services that are passed through to the LEAs/SELPA through the budget act must be entirely spent during the fiscal year in which they are allocated or else they may be recaptured by the California Department of Education (CDE).

May Low Incidence funding be used for only one of the low incidence disability student groups even though all Low Incidence disability students generate income?

Yes. Although the allocation is generated on a per student basis and must be expended on only students who have a Low Incidence disability, there is nothing that requires that income be spent proportionally on each various student disability group consistent with the funds generated. It is a local decision of the LEA or SELPA regarding how the available low incidence funds are spent as long as revenue for equipment, books and materials isn't commingled with specialized services funds.

Is a SELPA or LEA required to use Low Incidence Funding to purchase prescription devices?

The California State Board of Education has adopted California Code of Regulations, Title 5, § 3051.12(b)(3)(c), which states in part that "the school district shall not be required to purchase medical equipment for an individual student." Based on this regulation, the CDE has a long-standing practice to encourage the purchase of prescription devices and medical equipment through other funding sources such as private medical insurance or Medi-Cal.

If a student with a low incidence disability within our SELPA for whom we purchased books, materials and equipment with low incidence funds moves to a different SELPA, are we required to send the books materials and equipment with the student to the new SELPA?

No. Education Code § 56836.22 (e) states in part that "it is the intent of the legislature that SELPAs share unused equipment, books and materials with neighboring SELPAs...." If the books, materials and equipment is still needed by other students with low incidence disabilities in your SELPA, there is no requirement to send it with the

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student. If, however, books, materials and equipment purchased with low incidence funds are unused, SELPAs are encouraged to make arrangements with other SELPAs to share the unused equipment, books and materials. The CDE may be contacted for assistance in locating another SELPA that has need of the unused equipment, books or materials.

Our SELPA has obsolete, unusable books, materials and equipment purchased by low incidence funds. How do we dispose of these things?

Pursuant to Education Code § 56822 Books, materials and equipment purchased with low incidence funds remain the property of the state. When the low incidence books, materials or equipment is no longer usable it must be handled in the same manner that books, materials and equipment purchased by state funds other than low incidence is managed pursuant to Education Code § 17545-17555 which requires, among other things, that the items which are obsolete or unusable be declared surplus by the Governing Board and that they be auctioned off after the public has been duly notified.

We have students in our SELPA who have visual perception problems. Does this disability qualify as a visual impairment for low incidence funding?

No. Education Code § 56026.5 states "Low incidence disability" means a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof. Vision impairments as defined by Education Code Section § 56350 (c) do not include a pupil who is eligible for special education and related services based on a specific learning disability within the function of vision which results in visual perceptual or visual motor dysfunction identified pursuant to Section 56338.

We have a student who is both severely emotionally disturbed and blind. Will we receive low incidence funding for this student?

Visual Impairment is one of the severe disabling conditions defined by Education Code § 56026.5 as a low incidence disability. The language "or any combination thereof" has been interpreted to mean a student is eligible for Low Incidence funding if (s)he has at least one of the three severe disabling condition regardless of any other disabilities that may also be present. Therefore, a student who has multiple disabilities will generate for Low Incidence funding as long as that student has been reported on the CASEMIS pupil count as visually impaired.